



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

SEP 12 2011



Fort Seybert, WV 26802

Dear Mr. [REDACTED]:

Enclosed is the inspection report documenting the observations made during the June 16, 2011 Clean Water Act inspection at your poultry grow-out operation. I encourage you to read it carefully. If you believe any of the information is inaccurate, you may provide a written response to be included in our records. This inspection report and any other information gathered by the United State Environment Protection Agency (EPA) may be used in making a compliance determination with the Clean Water Act (the "Act").

Please keep in mind that EPA considers a poultry operation raising 16,500 to 54,999 turkeys to be a concentrated animal feeding operation (CAFO) if the operation discharges pollutants from man-made conveyances to a water of the United States. CAFOs are strictly prohibited from discharging any pollutants to a water of the United States, except when in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. A discharge may include, but not be limited to, stormwater runoff that has comes into contact with manure, litter, feed, and dust from ventilation fans. The federal NPDES regulations promulgated under the Act required CAFOs that discharge to have submitted complete permit applications by February 27, 2009.

To seek permit coverage, please contact Mr. Robert Bates at (304) 926-0499 Ext. 1045 or by email Robert.A.Bates@wv.gov. An electronic permit application may also be obtained from WVDEP website at <http://www.dep.wv.gov/WWE/permit/individual/Pages/default.aspx>.

Our website (<http://www.epa.gov/agriculture>) provides stewardship and compliance information to owners and operators of CAFOs and other animal feeding operations. If you have any questions or concerns, please contact me at (215) 814-2774.

Sincerely,

Ashley K. Toy
NPDES Enforcement Branch

Enclosures

cc: Joe Hickman, WVDEP (via email)

CLEAN WATER ACT
COMPLIANCE INSPECTION

Facility Name

(For EPA Purposes Only – [REDACTED] CAFO)

Facility Address

[REDACTED] Road, Fort Seybert, WV 26802

Investigation Date(s)

On-Site June 16, 2011

Fly-over November 9, 2010

Inspector(s)

Ashley Toy, Lead Inspector

U.S. Environmental Protection Agency, Region 3

and

Garth Connor, Inspector

U.S. Environmental Protection Agency, Region 3

This Report has been co-authored by the West Virginia Department of Environmental Protection
and the U.S. Environmental Protection Agency, Region 3

WVDEP Concurrs with this Report 09/12/2011 by Anthony J. Wilkins
Date Signature

Report Final as of 9/12/2011 by Ashley K. Toy
Date Signature

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BACKGROUND

On November 9, 2010, Mahri Monson and Rebecca Crane of the United States Environmental Protection Agency (EPA) conducted a fly-over reconnaissance inspection of the poultry operation located on [REDACTED] Road (the "Facility"). Photographs were taken in the area of the Facility and are attached (see Appendix A). Of those pictures in the area, the following show all or portions of the Facility: 2010-11-09--14.39.10, 2010-11-09--14.39.16, and 2010-11-09--14.39.25.

On June 9, 2011, Ashley Toy of EPA and [REDACTED] exchanged voicemails scheduling an inspection time for 1:30 pm on Thursday, June 16, 2011. On June 10th, Ms. Toy spoke to Mr. [REDACTED] to describe the purpose of the inspection and why the Facility was selected. With respect to the impairment of the South Fork South Branch Potomac River, [REDACTED] said the sampling program of the West Virginia Department of Agriculture (WVDA) showed that the stream should be delisted, but has not been. Ms. Toy is unaware of any history of on-site inspections by EPA prior to the June 15th inspection at this Facility.

ON-SITE INSPECTION SUMMARY

Overview

On June 15, 2011, representatives of EPA, WVDA, and the West Virginia Department of Environmental Protection (WVDEP) conducted an announced inspection at the Facility. The purpose of the inspection was to assess the facility's compliance with both federal regulations for concentrated animal feeding operations (CAFOs) as well as to determine if the facility fit the definition of a CAFO and needed to apply for a National Pollutant Discharge Elimination System (NPDES) permit with the state of West Virginia. [REDACTED] and [REDACTED] attended the inspection as facility representatives. Representatives of the [REDACTED] included [REDACTED] and [REDACTED]. Representatives of each of the departments were as follows:

- EPA
 - Ashley Toy
 - Garth Connor
- WVDEP
 - Anthony Willard
 - Robin Dolly
 - Matthew Alt
 - Mary Sanders
- WVDA
 - Jerry Ours
 - Mark Hedrick
 - Sarah Taylor
- WVU Extension
 - Dave Seymour

At approximately 1:30 p.m., EPA, WVDEP, and WVDA representatives arrived on-site and proceeded with routine biosecurity protocols. Ms. Toy and Mr. Connor presented their credentials to Mr. [REDACTED] and explained the purpose of the inspection. The inspection consisted of an opening interview about the history and operations of the Facility, followed by a site tour of the facility. Site maps for the report are contained in Appendix B, including Site Maps 1-5 using Google satellite images of the Facility as the base and Site Maps 6-7 using United States Geological Survey (USGS) topographic maps as the base. Photographs were taken during the site tour. Photograph numbers and descriptions were recorded in a photograph log after each picture taken. Photograph log and photographs (Photos 1-2 and Photos 5-37) are contained in Appendix C. In addition, photographs were taken of the sign-in sheets (Photos 3-4). The photographed documents and document log are contained in Appendix D. No samples were taken. After concluding the inspection, we proceeded with exiting biosecurity protocols, and left the facility around 5:45 p.m.

Weather

During the inspection, the sky was partly cloudy and the air temperature was in the upper 70's to lower 80's. It did not rain during the inspection.

Facility Description

From interpolation of satellite imagery from Google Earth, the coordinates at the entrance (nearest to Poultry House 554) to the Facility are [REDACTED] and indicated by the yellow thumb tack on Site Map 1. The Facility is owned and operated by Mr. [REDACTED]. Mr. [REDACTED] has four full-time and one part-time employee. The poultry operation is just a part of his business that also includes the raising of crops and beef cattle. At this Facility, Mr. [REDACTED] raises turkeys under contract with [REDACTED] and has for the last seven years. The lane sign refers to "[REDACTED]". The Facility consists of three poultry houses and one manure shed. The poultry houses are referred to as Houses 551, 554, and 720 with House 551 being at the left of the property and House 720 being right of the property (see Site Map 2). Houses 551 and 554 were built in 1987, with 100 feet added in 1990 and 1992, respectively. House 720 was built in 1990. Houses 551, 554, and 772 are 50' x 772' and house approximately 8,100 birds each per flock. Two flocks may be present at the same time for a total of 48,600 birds for at least 6 weeks or more. Manure is land applied to cropland. Mr. [REDACTED] had 1352 acres which he owns and an additional 400 acres of rented land available. Commercial fertilizer is used in addition to the manure. No biosolids or manure imported from other farms is land applied. Mr. [REDACTED] maintains an NMP which is amended yearly and was currently being revised.

Flock Rotation/Manure Management

Birds are placed in a brooder chamber at the start and then are moved to the grow-out end of the house on the eastern end of the poultry houses. The birds on-site were 13 weeks old. Flocks get picked up after being at the Facility about every 19 weeks. A new flock is placed in the brooder chamber about 2 week prior to the grow-out flocks are picked up. When market demands are higher or there is a need for a coop, the period of time when two flocks are present may be up to 6 weeks. There are typically 3 flocks per house, per year.

Poultry Houses/Heavy Use Area Protection

At the Facility, the exterior of three poultry houses were observed. No member of the inspection team entered any of the poultry houses.

Each house is equipped with tunnel ventilation systems with the exhaust fans on the east end of the poultry houses. The sidewall vents were slightly dusty at the time of the inspection. Vegetation on the ground outside was sparser than the other areas along the length of the poultry houses where no vents were located. The ground directly in front of the vents was covered in dust as evidence of the dust seen on grass blades. The exhaust fans are oriented on the east ends with fans on both the sidewalls and endwalls. Dust and feathers were observed on the exhaust fans. Feathers were observed on the ground near the exhaust fans. The exhaust fans are brushed off with a broom. Ventilation exhaust fans on House 551 are in close proximity to a ditch that runs parallel to the left side of the poultry house. Dust and feathers were observed to be lying in stagnant water in this ditch.

Houses 551, 554, and 720 have a concrete pad measuring 10' x 14' at the end doors at the front of the poultry houses. In general, the pads themselves were very clean and showed no sign of debris. The area beyond the pads on the east end had dry crusty areas of dirt. The dirt was grayer than the color of the soil next to the buildings matching the gray tones of the dust.

Manure Storage Area

There is a manure shed on-site (see Site Map 2). Manure is placed only in the manure shed and is never stockpiled. A crust-out is done between flocks. However, every 18 months a total clean-out is performed based upon the affordability of litter. Timing for total clean-outs is decided by a management team appointed by the Board of Directors of [REDACTED]. Cleaning of the poultry houses is done using a manure spreader and a Bobcat front loader. The concrete pads are routinely cleaned of any spilt manure using a shovel. The area between the manure shed and compost shed is dirt (i.e. no concrete pad). Manure was observed on the ground between the manure shed and compost shed.

Mortality/Compost Area

Mortality composting was done in a composting shed by covering mortalities with manure. The compost shed is divided into four sections. Manure was observed outside of the shed next to a man-made ditch.

Drainage

None of the poultry houses have gutters with down spouts. A stream was observed to the east of the poultry houses, but this stream was not mapped in the National Hydrography Dataset (see Site Map 3) but was mapped on the USGS topographic maps (see the "Additional Information Gathering" Section of this report). The site of the three poultry houses crosses a natural watershed boundary; however, excavation and grading to build the poultry operations may have altered natural drainage. The western ends of the house (nearest to [REDACTED] Road) appear to drain toward [REDACTED]. A grass swale along a majority of House 551 also drains toward [REDACTED] but no ditches were observed beyond [REDACTED] Road. There was a ditch at the east end of House 551 with stagnant water. Based on natural drainage, this ditch drains towards the compost shed.

The areas between Houses 551 and 554 and Houses 554 and 720 are fairly flat with low spots where ponded stormwater still was visible. It is unclear the point at which water drains to the east drains to the Unnamed Tributary of Swamp Run and to the west toward [REDACTED]. A majority of the stormwater runoff from the northern side of House 720 flows into nearby pasture fields used for crop production. The Facility also had a man-made ditch (see Site Map 3) surrounding the composting shed and along the southern side the Manure Shed. The ditch leads to a culvert under the access lane from the poultry houses to the manure and compost shed. The flow then enters a stream that according to Mr. [REDACTED] was called Swamp Run. However, based on the USGS topographic maps, this stream is an Unnamed Tributary of Swamp Run. The approximate locations are indicated on Site Map 4.

SAMPLING

No samples were taken

DOCUMENT REVIEW

No Facility documents were reviewed.

ADDITIONAL INFORMATION GATHERING

According to the USGS topographic maps, the Facility is partially within the Hydrologic Unit Code (HUC) 020700010504 and partially in HUC 020700010505 (see Site Map 5). The Facility is in between Stony Run and an Unnamed Tributary to Stony Run to the west and an Unnamed Tributary to Swamp Run to the east. Stony Run and the Unnamed Tributary to Swamp Run are mapped as perennial streams while the Unnamed Tributary to Stony Run is mapped as an intermittent stream (see Site Map 6). The Unnamed Tributary to Stony Run flows into Stony Run which flows into the South Fork South Branch Potomac River. The Unnamed Tributary to Swamp Run flows into Swamp Run which flows into the South Fork South Branch Potomac River. South Fork South Branch Potomac River is a tributary of the South Branch Potomac River.

SUMMARY OF CONCERNS

1) Stormwater runoff can come into contact with spilled manure and ventilation dust. Stormwater would enter a man-made ditch around the manure and compost sheds which discharges to Unnamed Tributary to Swamp Run.

APPENDIX A

Fly-over Photographs



2010-11-09--14.38.52



2010-11-09--14.39.02



2010-11-09--14.39.10



2010-11-09--14.39.16



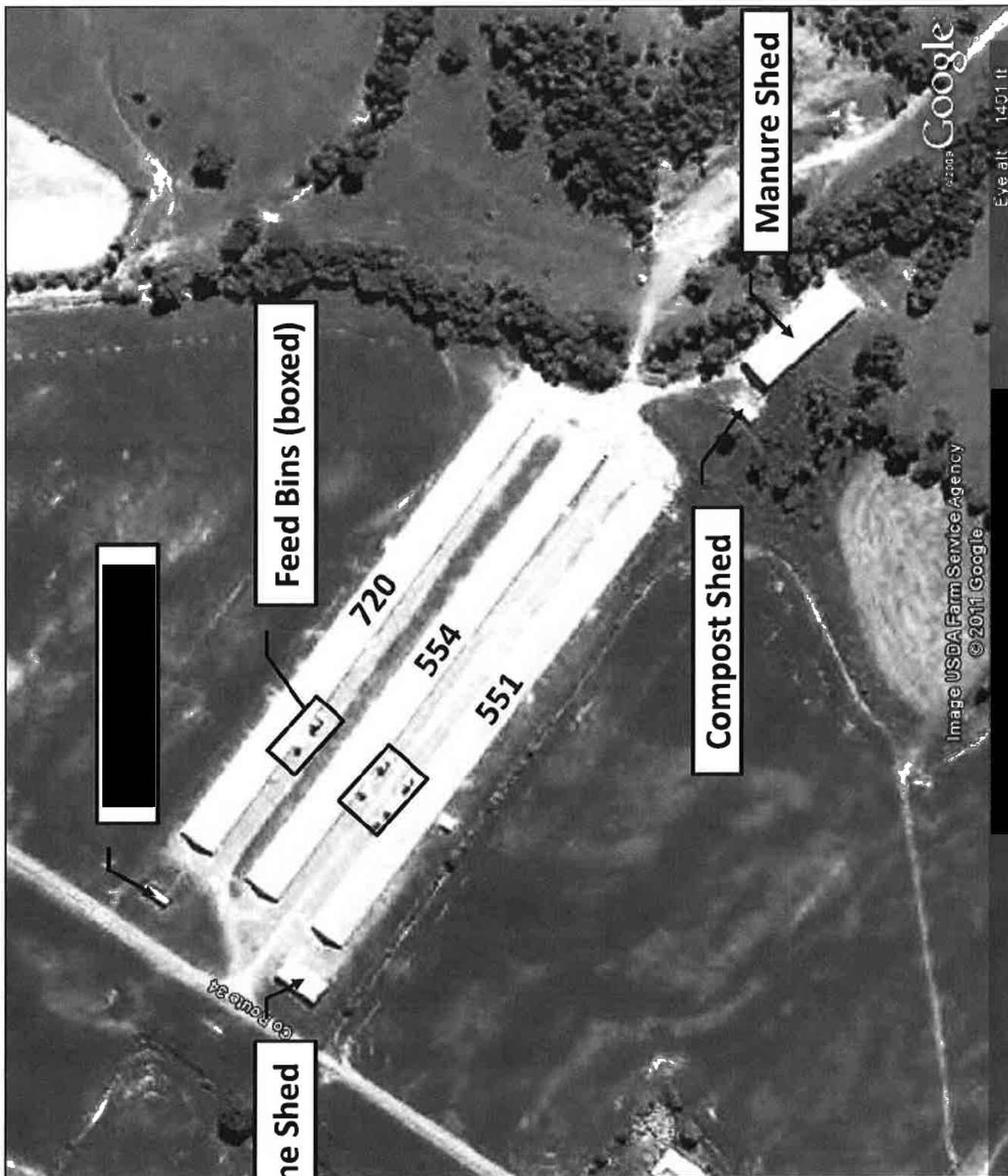
2010-11-09--14.39.25

APPENDIX B

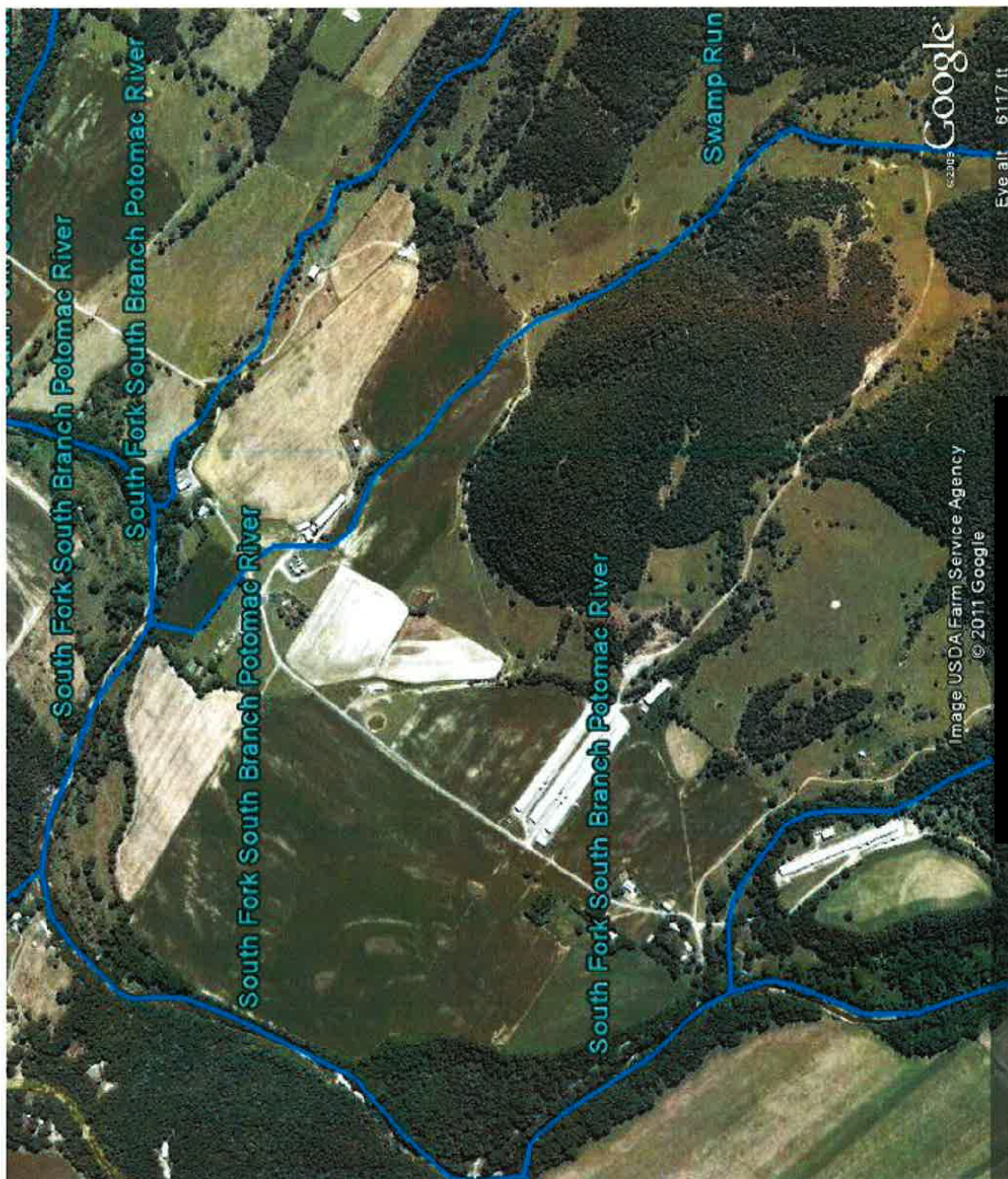
Site Maps



Site Map 1



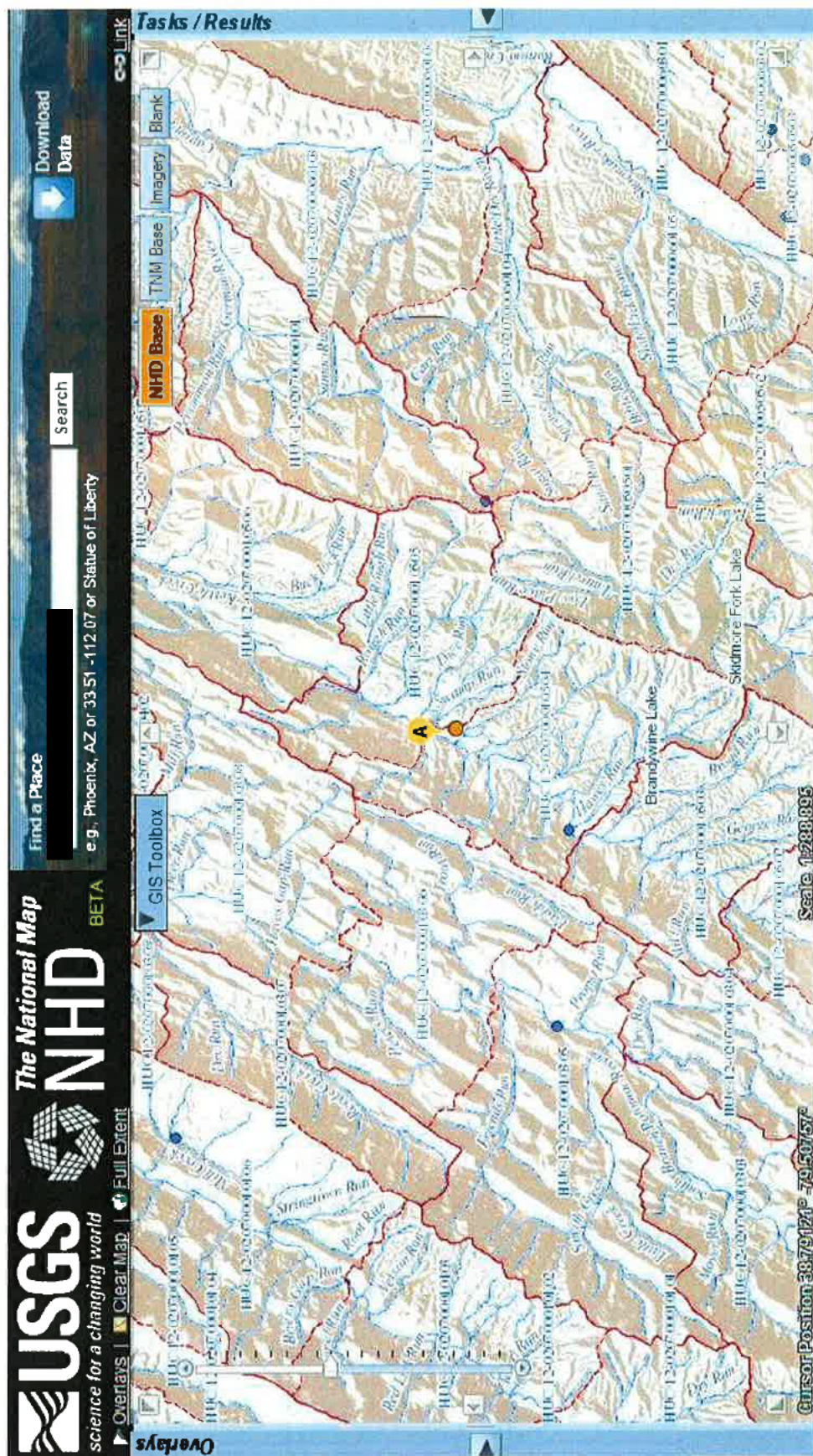
Site Map 2



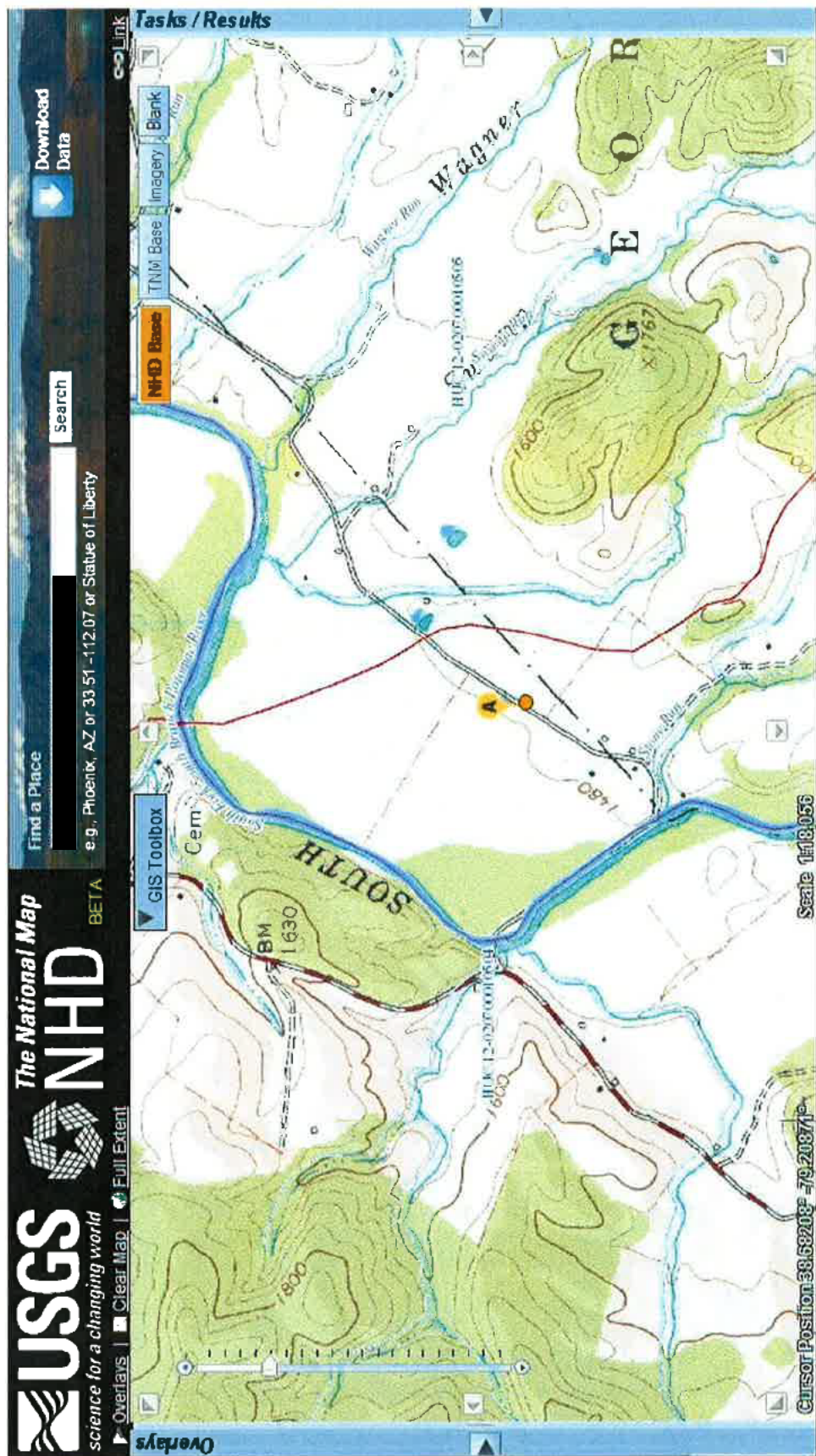
Site Map 3



Site Map 4



Site Map 5



Site Map 6